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# FROM SEIZURES TO CONVICTION

## STRONGER PENALTIES FOR SEROW OFFENCES IN PENINSULAR MALAYSIA

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**TRAFFIC**  
the wildlife trade monitoring network



## TRAFFIC REPORT

# FROM SEIZURES TO CONVICTION - STRONGER PENALTIES FOR SEROW OFFENCES IN PENINSULAR MALAYSIA

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# CONTENTS

<b>1</b>	<b>Key Findings</b>	<b>1</b>
<b>2</b>	<b>Introduction</b>	<b>2</b>
<b>3</b>	<b>Serow Seizures in Peninsular Malaysia from 2003–2019</b>	<b>5</b>
<b>4</b>	<b>Legislation and Convictions Concerning Serow</b>	<b>10</b>
<b>5</b>	<b>Conclusions</b>	<b>13</b>
<b>6</b>	<b>References</b>	<b>14</b>

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# KEY FINDINGS

## From January 2003–April 2019

18 serow seizures  
27 serows



## Since 2017

MYR1.7 million total fines (USD404,070)  
93 months total jail time



## Since 2003

A total of 39 people arrested



A key threat to the survival of Sumatran Serows *Capricornis sumatraensis* throughout its range is the poaching for trade. One of these range strongholds is Peninsular Malaysia, which has seen a number of seizures involving the species. Despite being listed as a Totally Protected species in Peninsular Malaysia's Wildlife Conservation Act 2010 where hunting and trade is strictly prohibited, the Sumatran Serow is targeted, largely for use in traditional Malay medicines and occasionally observed in wild meat restaurants. However, when assessing serow seizures and law enforcement outcomes, a notable improvement in convictions has been recorded in the past two years compared to previously. This paper profiles serow-related offences as a case study to highlight prosecution successes.

From January 2003–April 2019, at least 18 serow seizure incidents took place, involving a minimum of 27 serows. Although some challenges remain, overall, convictions since 2017 have resulted in a cumulative fine of MYR1.7 million (USD404,070) and imprisonment of 93 months. Of these, the total fines of MYR1.2 million (USD300,000), imprisonment of 48 months and a further six months jail for defaulting on the fine, was the highest penalty meted out to two

offenders in 2017, specifically for offences involving serow. In contrast, penalties for the five known serow convictions from 2005–2010 resulted in a cumulative fine of MYR8,400 (USD2,384) and three months jail. A total of 39 people have been arrested since 2003 from the 18 seizures. Offenders in these cases were Malaysian nationals, with the exception of three cases involving eight Vietnamese and 11 Indonesian nationals. Serow parts were most commonly seized in the states of Kelantan and Pahang, but the state of Perak seized the highest number of serow.

Closer engagement between the law enforcement and judiciary sectors is expected to sustain this momentum, particularly in showcasing improvements on outcomes from wildlife crime cases that result in strong, deterrent sentences. The seizures of serow meat point to the need for periodic checks on restaurants and to monitor trade to allow for law enforcement action. Seizures that have taken place were also a result of public tip-offs, such as those observed openly in stalls with serow heads. Members of the public are encouraged to continue supporting law enforcement efforts and to report suspected crime incidences.



# INTRODUCTION

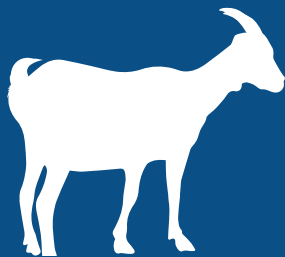
The Sumatran Serow is the **only serow species** found in **Peninsular Malaysia**



Categorized as **Vulnerable** in the IUCN Red List



Serow are targeted for their **heads, horns, skins and meat**



Locally known as **Kambing Gurun** (mountain goat)



The Sumatran Serow *Capricornis sumatraensis* occurs in Southeast Asia where it is distributed across Peninsular Malaysia, southern Thailand and in Sumatra, Indonesia (Duckworth *et al.*, 2018). It is the only serow species that occurs in Malaysia and found only on the mainland in Peninsular Malaysia. The species is categorised as Vulnerable in the Red List of the International Union for Conservation of Nature (IUCN), with its population showing a declining trend (Duckworth *et al.*, 2018). Loss of habitat remains its primary threat throughout its range, particularly from mining, quarrying and infrastructure development, though illegal hunting and trade for consumption of its meat and parts persist, and poses a threat to the survival of the species (Shepherd and Krishnasamy, 2014; Duckworth *et al.*, 2018). The Sumatran Serow is listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which prohibits international commercial trade. The trade and consumption of serow however is more prominent for domestic use in Southeast Asia, where meat is consumed and parts used in traditional medicine (Duckworth *et al.*, 2008; Shepherd and Krishnasamy, 2014). Serow heads, horns, skins and as a form of trophy are also commonly observed in open markets and stalls throughout the region (Duckworth *et al.*, 2008; Shepherd and Nijman, 2007; Li, 2014; Shepherd and Krishnasamy, 2014; Anon, 2016; Anon, 2017; Leupen *et al.*, 2017).

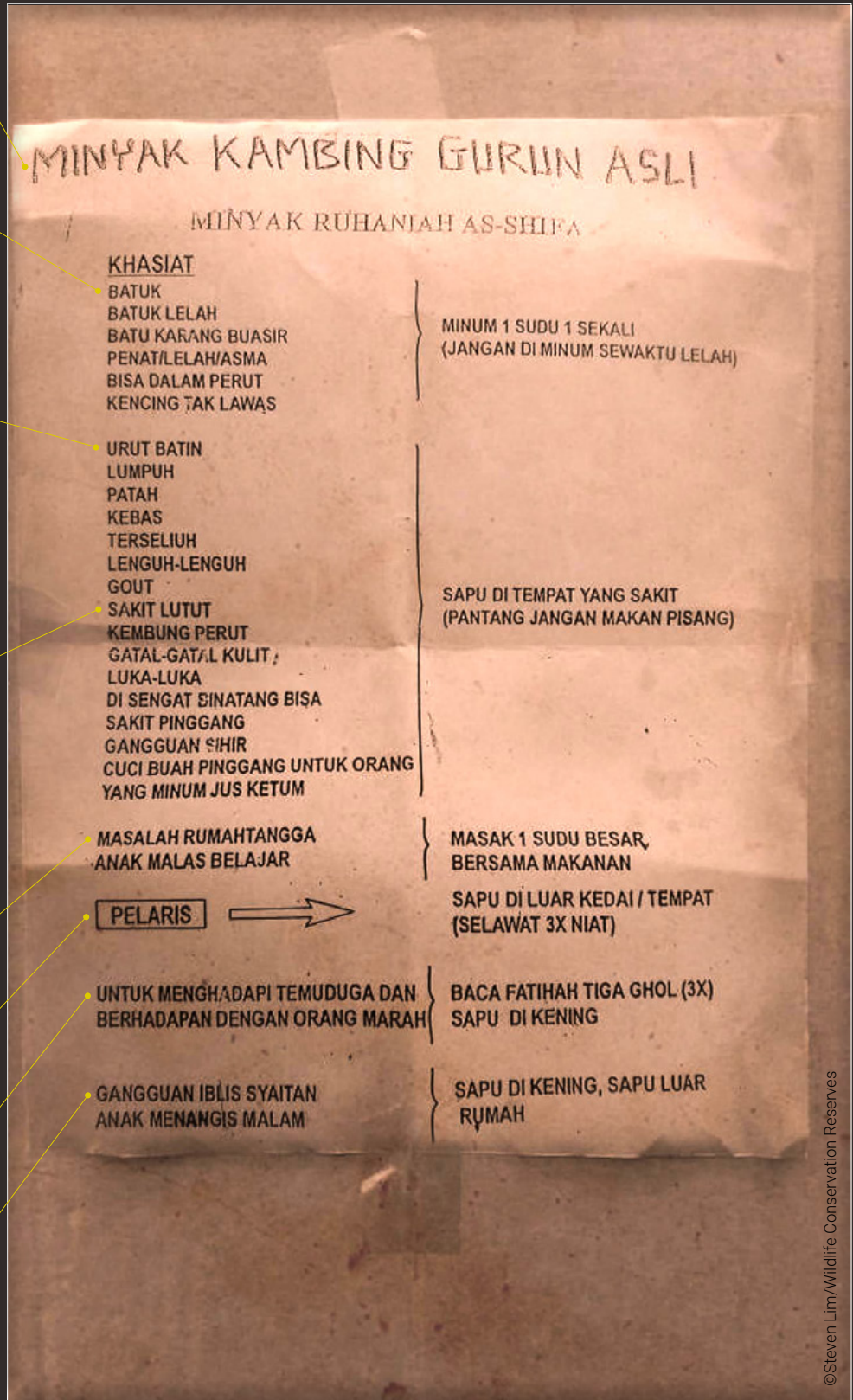
In Malaysia, despite legal protection (see page 10), serows are targeted for their meat and body parts, evidenced by seizures over the years. Locally known as *Kambing Gurun* (mountain goat) its head and body parts particularly are used in traditional Malay medicine—purported for its magical and spiritual attributes—and usually used in the form of ointment, derived from its oils (Rahman, 1997; Li, 2014; Shepherd and Krishnasamy, 2014; Mohd Jamilul, 2018;). **Figure 2** shows a pamphlet that was placed at a night market in the northern Peninsular Malaysian state of Kedah in September 2017, highlighting the purported uses and benefits of serow oil as a remedy for cough, lethargy, gout, itchiness, bloated stomach and other ailments. For use in traditional Chinese medicine, the meat is reportedly cooked with certain herbal ingredients to balance the Chi in the body (Anon, pers comm, 2017). Regarding the wild meat trade, of the 131 restaurants surveyed in Peninsular Malaysia in 2012, 18 offered serow meat for sale (Shepherd and Krishnasamy, 2014). Although small in number, the availability points to illegal hunting taking place to meet restaurant demand.





Figure 1: Serow parts seized in Kelantan, December 2018 (top left) and at the Negeri Sembilan-Melaka border in 2016 (top right). PERHILITAN staff transporting a serow out of the forest after it was found snared in the state of Kelantan (below) December 2018 (below)





Original Serow Oil

- Cough
- Asthmatic cough
- Kidney stones / Haemorrhoids
- Asthma
- Toxins in stomach

- Massage to enhance sexual drive
- Paralysis
- Broken / fractured bones
- Numbness
- Sprains
- Aches
- Gout

- Knee pain
- Distended stomach
- Itchy skin
- Wounds
- Stung by poisonous animal
- Pain around the waist
- Protection from witchcraft
- Kidney cleansing / flushing

- Marital problems
- Child who is lazy to study

- Aid to stimulate business sales

- To face an interview and to deal with angry people

- Protection from demons and
- Child who cries through the night

Figure 2: Pamphlet on serow oil benefits recorded in the northern state of Kedah in September 2017

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# SEROW SEIZURES IN PENINSULAR MALAYSIA FROM 2003–2019

Over the years, reported incidents of illegal hunting and trade of serows demonstrate the continued demand for this large ungulate in Malaysia. A previous analysis of seizures from 2003–2012 revealed that at least 9 serow seizure incidents occurred during that period (Shepherd and Krishnasamy, 2014). Since then, Malaysian authorities made another nine seizures between 2016–April 2019 (**Table 1**).

No seizures were known to have taken place from 2013–2015. In total, from January 2003–April 2019, 18 seizure incidents took place involving a minimum estimate of 27 serows (**Table 1**). A total of 39 people have been arrested in these cases since 2003. Serow parts were most commonly seized in the states of Kelantan and Pahang, but the state of Perak seized the highest number of estimated serows (**Figure 3**).

**Table 1: Seizure incidents involving serows in Peninsular Malaysia from January 2003–April 2019**

Information on Confiscation	Date	Location, State / Territory	Items (quantity)	No. of Suspects Involved	Min. No. of serows Involved	Outcomes from Prosecution
Serow meat and other wildlife species confiscated.	January 2003	Segamat, Johor	Meat (24 kg)	1	1	NA
A RELA (People's Volunteer Corps) personnel arrested for hunting a serow.	March 2005	Dabong, Kelantan	Whole animal	1	1	Compounded MYR2,500 (USD660)
An individual arrested for illegal possession of serow meat.	2006	Selangor	Unknown	1	1	Compounded MYR900 (USD250)
The remains of six serows kept in cooking oil containers seized from a <i>bomoh</i> couple. The couple reportedly had used serow parts in healing rituals for over 35 years.	March 2007	Lenggong, Perak	Six skulls, bones	2	6	Fined MYR2,000 (USD571) or 2 months jail for failure to pay the fine.
A serow head and meat, among other protected wildlife seized; four men arrested.	January 2008	Gua Musang, Kelantan	Meat (24 kg)	4	1	NA



Information on Confiscation	Date	Location, State / Territory	Items (quantity)	No. of Suspects Involved	Min. No. of serows Involved	Outcomes from Prosecution
Serow parts and other protected wildlife seized in a raid.	October 2009	Kuala Lumpur	Parts (unspecified)	1	1	Fined MYR2,000 (USD 590) or two months imprisonment for failure to pay the fine
Two serow horns, and other wildlife and their parts seized in two separate raids.	March 2010	Johor	Horns (one pair)	NA	1	NA
A serow head and skin seized in a location close to Taman Negara National Park	May 2010	Near Taman Negara, Pahang	Head and skin (unknown)	1	1	Fined MYR1,000 (USD250)
A woman and her nephew arrested for possession of numerous totally protected species and their parts, including two serow horns.	January 2012	Baling, Kedah	Horns (one pair)	2	1	NA
Two local men arrested by DWNP in two separate seizures in two premises in Gerik in the state of Perak for illegal possession of serow meats and bones, as well as meats of other wild animals.	February 2016	Gerik, Perak	Serow meat and bones (unknown)	2	1	NA
A Malaysian arrested by DWNP for illegal possession of two serow heads, 12 legs and a skin in the state of Seremban, purportedly for making traditional medicines.	September 2016	Seremban, Negeri Sembilan	Serow heads (2), legs (12) and skin (unknown)	1	3	3 months in parole (The judge issued parole instead of the mandatory fine and imprisonment, due to the suspect's advanced age).
Two Malaysians arrested for illegal possession of serow head and parts at the Tekai Tembeling Forest Reserve, in the state of Pahang	March 2017	Tekai Tembeling Forest Reserve, Pahang	Serow head (1) and other parts	2	1	Total fines of MYR1.2 million (USD300,000) and total 48 months jail for two people. Further six-months jail if fines not paid.

\* Average rate of exchange between MYR and USD from 2005–2019: <https://www.oanda.com/currency/converter/>

Information on Confiscation	Date	Location, State / Territory	Items (quantity)	No. of Suspects Involved	Min. No. of serows Involved	Outcomes from Prosecution
PERHILITAN raid seized serow head	October 2017	Sungai Petani, Kedah	Serow head (1)	1	1	Discharged Not Amounting to An Acquittal (DNAA) by court, as the summons could not be served personally to the accused
A man arrested for illegal possession of a serow head and parts, that were placed in a plastic bag filled with oil, believed to be used for traditional medicine.	January 2018	Alor Setar, Kedah	Serow head (2), and serow leg	1	2	Total 18 months imprisonment, included in lieu of a fine of MYR100,000 (USD25,000)
Six Vietnamese nationals arrested for illegal possession parts of serow, Tiger <i>Panthera tigris</i> and other wildlife parts.	July 2018	Kuala Lipis, Pahang	Serow horns (4), several serow tails	6 (only 1 person was convicted)*	2	No Further Action (NFA) for serow case. However, the accused admitted to other charges including related to Tiger parts. Total fine of MYR400,000 (USD100,000) (or four years imprisonment in lieu of the fines) and 6 years imprisonment (applicable for non-serow offences).
One man arrested for snaring and illegal possession of a serow	December 2018	Gua Musang, Kelantan	Whole animal (1)	1	1	Fined MYR200,000 (USD50,000) and three months imprisonment
11 Indonesians arrested for illegal possession of serow parts	January 2019	Gua Musang, Kelantan	Serow skin and meat	11	1	Ongoing
2 Vietnamese arrested for illegal possession of various wildlife parts such as Sun Bear <i>Helarctos malayanus</i> , serow and others	April 2019	Taman Negara, Pahang	2 serow gall bladders	2	1	Fines for serow offences were MYR200,000 (USD50,000) and 2 years jail; an additional 2 years jail as they failed to pay the fines.
<b>TOTAL</b>				<b>39</b>	<b>27</b>	

\* Initially, all six people pleaded not guilty. Midway through the case, one person changed his plea to guilty; charges against the remaining five were dropped.



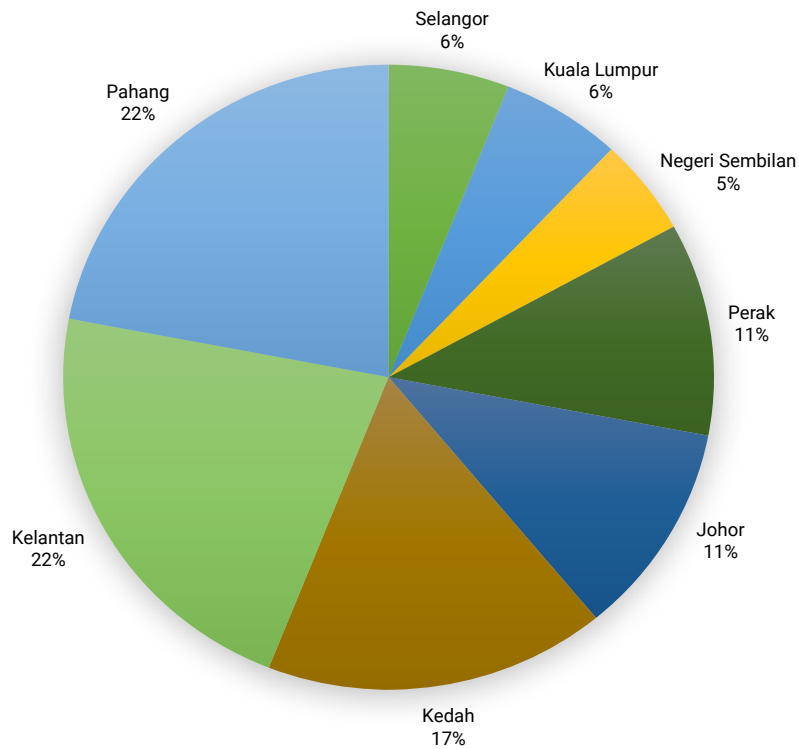


Figure 3: Proportion of serows seized, by state, from January 2003–April 2019

Offenders in all these cases were Malaysian nationals, with the exception of three cases involving eight Vietnamese and 11 Indonesian nationals. In July 2018, six Vietnamese nationals were arrested for illegal possession of serows and other threatened and totally protected species such as Tiger and Leopard *Panthera pardus*. More recently in 2019, at least two cases involving foreign nationals took place. In the first incident in January, 11 Indonesian nationals were arrested with parts of serow and other wildlife (Md Denin, 2019). Based on a tip-off and as part of PERHILITAN’s anti-snaring campaign, authorities raided the house and found the 11

individuals who were working for a plantation and logging concession with serow parts, a Leopard Cat *Prionailurus bengalensis* and a Barking Deer *Muntiacus muntjak*. In the second case in April 2019, two Vietnamese nationals were caught inside a protected area with parts of serow and other wildlife (**Table 1**). These cases, and others involving totally protected species such as Tiger and bears, highlight the increasing occurrence in which foreign nationals are involved in the illegal hunting and trade of threatened Malaysian wildlife.





## Perhilitan rampas anggota badan kambing gurun bernilai RM100,000

**SEREMBAN 28 Sept.** - Pelbagai bahagian anggota badan kambing gurun bernilai kira-kira RM100,000 dirampas dalam satu serbuan oleh Jabatan Perlindungan Hidupan Liar dan Taman Negara (Perhilitan) Negeri Sembilan di sebuah rumah di Jalan Pengkalan Pauh, Lubok China semalam.

Pengarah Perhilitan negeri, Wan Mat Wan Harun berkata, sepasukan anggota Unit Perisikan Perhilitan Negeri Sembilan yang melakukan serbuan itu menemukan sebanyak dua kepala, 12 kaki dan satu keping kulit kambing gurun disimpan di dapur rumah berkenaan.

Berikutan itu, katanya, seorang lelaki berusia 60 tahun yang berada di rumah itu telah ditahan bagi membantu siasatan.

"Serbuan pada pukul 11 pagi itu dilakukan hasil maklumat orang awam dan risikan ke atas rumah itu selama dua minggu oleh anggota kami.

"Lelaki tersebut ditahan atas kesalahan menyimpan sebahagian hidupan liar yang dilindungi," katanya dalam sidang akhbar di sini hari ini.

Wan Mat berkata, pihaknya juga mengesyaki lelaki itu yang juga bekas kakitangan kerajaan turut terlibat dalam aktiviti

memburu haiwan berkenaan.

Jelasnya, siasatan awal mengesyaki kambing gurun tersebut ditembak mati bagi mendapatkan minyak yang dihasilkan daripada anggota badan haiwan liar itu untuk tujuan perubatan tradisional.

"Kambing gurun dikategorikan sebagai haiwan liar yang dilindungi sepenuhnya. Kes disiasat di bawah Seksyen 68(2) (c) Akta Pemuliharaan Hidupan Liar 2010. Jika sabit kesalahan boleh dihukum denda minimum RM100,000 atau maksimum RM500,000 dan penjara tidak melebihi lima tahun," katanya.



**WAN MAT WAN HARUN (kiri) bersama pegawainya menunjukkan bahagian anggota badan kambing gurun yang dirampas dalam sidang akhbar di Seremban semalam. - UTUSAN/ASWAD YAHYA**

Figure 4: PERHILITAN's seizure of serow parts in September 2016



## Serow cases involving foreign nationals

July 2018	-	6 Vietnamese
January 2019	-	11 Indonesian
April 2019	-	2 Vietnamese



# LEGISLATION AND CONVICTIONS CONCERNING SEROW

The Sumatran Serow is considered a Totally Protected Species under the Wildlife Conservation Act 2010 (WCA) of Peninsular Malaysia. This is the highest protection category under the law, for which hunting, possession and trade without a special permit is prohibited; the government utilises the special permit

provision only under very particular circumstances, usually when species are used for research or zoo exchanges. Relevant penalties for anyone found guilty of of serow-related offences under the WCA are provided in **Table 2**.

Section	Violation	Fine
<b>Section 68 (2)(c)</b>	Hunting or keeping, taking or keeping any part or derivative of a Totally Protected Species, without a special permit	Minimum MYR100,000 (USD25,000) to maximum MYR500,000 (USD125,000), and imprisonment of up to five years.
<b>Section 69 (2)</b>	Hunting or keeping, taking or keeping any part or derivative of an immature Totally Protected Species, without a special permit	Minimum MYR150,000 (USD37,500) and maximum of MYR500,000 (USD125,000) and imprisonment of up to five years.
<b>Section 70 (2)</b>	Hunting or keeping, taking or keeping any part or derivative of a female Totally Protected Species, without a special permit	Minimum MYR200,000 (USD50,000) and maximum MYR500,000 (USD125,000) and imprisonment of up to five years.

**Table 2: Penalties for serow-related offences under the Wildlife Conservation Act 2010 of Peninsular Malaysia**

The WCA—the primary legislation governing wildlife protection, including domestic hunting and trade—came into force in June 2010, replacing the Protection of Wild Life Act 1972 (PWLA). Although the Sumatran Serow was considered a Totally Protected Species under the PWLA, penalties for illegal hunting or trade only reached a maximum of MYR3,000 (USD938), and or imprisonment of up to three years jail, or both. In contrast, the WCA mandates both fines and imprisonment for serow-related offences. Under the PWLA, penalties could also reach up to a MYR6,000 fine (USD1,875) or 3.5 years imprisonment or both, if it involved a female animal. The WCA is therefore a more superior legislation compared to its predecessor, and from the perspective of penalties with fines reaching USD125,000 it is arguably the strongest wildlife legislation in Southeast Asia that governs domestic wild animal trade.

Although some challenges remain, overall, convictions since 2017 have resulted in a cumulative fine of MYR1.7 million (USD404,070) and imprisonment of 93 months (**Figure 5**). Of these, the total fines of MYR1.2 million (USD300,000) and total imprisonment of 48 months was the highest penalty meted out to two offenders in 2017, specifically for offences involving serow. A further six-month jail penalty was issued in the event the fine was not paid.

The two Vietnamese that were arrested in April 2019 were convicted to a total of MYR1.56 million (USD390,000) (or 16 years jail in lieu of) and two years jail, though the fines were applicable to offences involving serow, Leopard, Sun Bear, Tapir *Tapirus indicus*, Golden Cat *Catapuma temnickii* and Wild Boar *Sus scrofa* (TRAFFIC, 2019). In contrast, penalties for prosecution of the five known serow convictions from 2005–2010 involving a minimum of 11 serow resulted in a cumulative fine of MYR8,400 (USD2,384<sup>1</sup>) and three months jail.

1 Average rate of exchange between MYR and USD from 2005–2010: <https://www.oanda.com/currency/converter/>

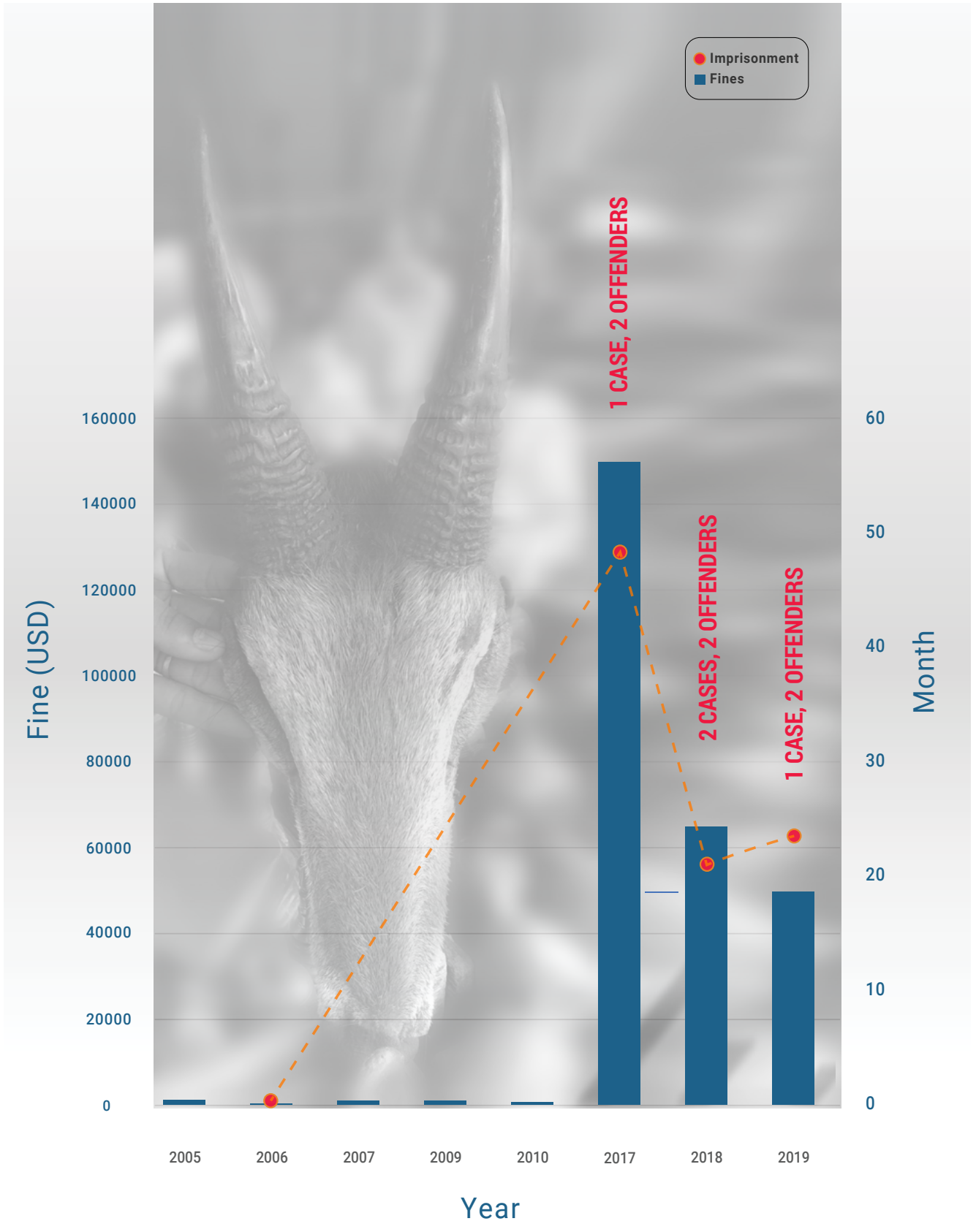


Figure 5: Trend of fines and jail terms meted out for serow convictions in Peninsular Malaysia from 2005–May 2019 (Includes cases tried in court up to April 2019 with conviction and penalty issued in May 2019)





# CONCLUSIONS

The majority of the serow cases recorded in the past did not result in strong convictions. This was, in part, due to the lower penalties and powers vested in the authorities under the old legislation. In more recent times, however, this has improved, largely due to the commitment of the prosecution team at PERHILITAN. Such outcomes are also likely contributed by the increased level of attention and awareness amongst Malaysians (including the judiciary) on wildlife crime—TRAFFIC, PERHILITAN, other conservation partners as well as the general public, have over the past few years been advocating for better action and governance to tackle wildlife crime. At the same time, some of the outcomes noted in **Table 1** highlight challenges that remain within the judicial process, and closer engagement between both the enforcement and judicial sectors is expected to show improvements.

A majority of the seizures noted in **Table 1** occurred in or close to important protected areas or forest reserves in Peninsular Malaysia. Over the years, poachers, both local and foreign have been recorded and arrested

in and around various protected areas and forest reserves throughout Peninsular Malaysia, targeting large mammals such as Tiger, Sun Bear, serow, Asian Elephant *Elephas maximus* and others (Anon, 2011; Anon 2014; Ahmad, 2016; Or *et al.*, 2017; Zolkipli, 2017). The seizures of serow meat point to the need for periodic checks on restaurants, and the need to monitor trade to catalyse any needed law enforcement action related to suspected criminality.

Seizures that have taken place were also a result of public tip-offs. Members of the public are encouraged to continue supporting enforcement efforts and to report suspected crime incidences to the TRAFFIC managed Wildlife Witness App, which was developed in partnership with Taronga Zoo. The app is down loadable for free on Apple or android phones. Reports can also be made to the wildlife crime hotline (+6019 356 4194) managed by the Malaysian Conservation AllianceforTigers, a coalition of NGOs, including TRAFFIC, or directly to the Hotline managed by PERHILITAN (1-800-88-5151).





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